

REMARKS/ARGUMENTS

Applicants appreciate the Examiner's review of the Response filed on December 3, 2007. Applicants have carefully reviewed the application in light of the Final Office Action mailed February 11, 2008.

Claims 1 – 62 are currently pending in this application. Claims 4, 11, 22, 29, 33, 48, and 51 have been amended. Support for the amendments may be found at, for example, the Abstract and Specification paragraphs 0011, 0012, 0037. No new matter has been added by the amendments.

Applicants respectfully request reconsideration and allowance of the pending claims.

EXAMINER'S RESPONSE TO ARGUMENTS

“...[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 14 (U.S. 2007) quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

The Office Action asserts one of ordinary skill in the art would not have blindly followed Logan's teaching that “a preferable method is to perform the translation at the client device,” Office Action at Paragraph 3, but would balance the benefits of performing the translation at the server (as taught by Dames and Funk) or at the client (as taught by Logan). *Id.* Applicants respectfully request evidence supporting that one of ordinary skill in the art at the time of the invention would not have been inclined to follow the teachings of Logan.

The Office Action further asserts that beyond a difference in technology, there is no distinction between Logan's advertising database, Funk's information source database, and the claimed advertisement server. The independent claims show that the advertisement server forwards Web content and advertisement. In contrast, Logan's advertising database fails to disclose means for translating web content and advertisement to an audio format via a text-to-speech converter and subsequent delivery to a user client device via a telephone link as required by the independent claims.

The present invention discloses an advertisement server that is configured to select advertisements for insertion within user-requested Web content based upon the requested Web content,” Specification at paragraph 0033, where the advertisement is converted from a text based format to an audio format via a text-to-speech transcoder, specification at paragraph 0031, and “is configured to be interactive.” Specification at paragraph 0037. In contrast, Funk teaches that at predetermined intervals, such as once per day, the processing system generates a temporary list or file of all information from the information databases to be delivered via e-mails to end users then sends the file to a text-to-voice processor. Funk col. 6 ll. 39 - 53. Thus, the Funk information source database does not select an advertisement simultaneously with a user’s request as claimed by the present invention. Moreover, the present application discloses an advertisement server that is configured to select advertisements for insertion within user-requested Web content based upon the requested Web content,” Specification at paragraph 0033, whereas Funk discloses creating “targeted” advertisements based on “the customer account information or on information already assembled into the message.” Funk col. 10 ll. 50 – 53.

Further, Funk’s information source database fails to teach, suggest or disclose an advertisement server that can be “configured to store information associated with user interaction with an advertisement...[.]configured to determine if a user listened to an advertisement in its entirety and/or determine how many times a user listens to an advertisement,” Specification at paragraph 0033, or a text-to-speech transcoder “configured to retrieve additional information associated with an advertisement in response to user interaction with the advertisement, and to deliver the additional information to the user client device ... in an audio format,” Specification at Paragraph 0032, as claimed by the present invention. Therefore, Applicants respectfully note that the presently claimed advertising server is substantially different from Logan’s advertising database, and Funk’s information source database.

The Office Action also asserts that Logan teaches that audio advertisements are interactive, as claimed in claim 57, because it discloses that a user can use voice commands to skip through advertisements. Logan col. 15 l. 60 to col. 16 l. 6. Applicants contend that Claim 57 of the present invention recites “ [a]n advertising server that integrates interactive advertising within Web content requested by user,” and the specification of the present invention defines a user’s interaction with the advertisement as “...pressing a key on a keypad during the advertisement and/or speaking one or more recognizable words and/or phrases)[that] is recorded by the advertisement server...[which] retrieves additional information associated with an advertisement in response to [this] user

interaction.” Specification at paragraphs 0032, 0037. Therefore, interactivity with an advertisement as defined by the present invention involves more than speaking one or more recognizable words, but also requires providing additional information associated with the advertisement to the user. Moreover, using voice commands to skip through advertisements does not provide additional information associated with the advertisement. Logan’s disclosure fails to retrieve additional information associated with an advertisement in response to user interaction with the advertisement, but merely advances an advertisement. Therefore, Applicants contend that Logan fails to disclose an interactive audio advertisement as claimed.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

In levying an obviousness rejection under 35 U.S.C. § 103, the Examiner has the burden of establishing that the prior art reference teaches or suggests all of the claim limitations. M.P.E.P. §2143; see also, *In re Royka*, 490 F.2d 981 (CCPA 1974). To determine obviousness, Examiners must consider (1) the scope and content of the prior art, (2) the differences between the claimed invention and the prior art, (3) the level of ordinary skill in the pertinent art, and (4) objective evidence relevant to the issue of obviousness.” *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). In addition, the Supreme Court has pointed out the “import[ance of] identify[ing] a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the new invention does.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007). Here, the Examiner has not met the burden of showing obviousness.

Claims 1 - 56 are patentable under 35 U.S.C. § 103(a) over Dames et al, U.S. Patent Publication No. 2002/0129067 (hereinafter “Dames”), in view of Funk et al, U.S. Patent No. 5,937,162 (hereinafter “Funk”), in further view of Logan et al, U.S. Patent No. 6,199,076 (hereinafter “Logan”).

Claims 1 - 8

The Office Action asserts that Dames teaches certain elements of Claim 1, but concedes that Dames fails to expressly disclose an advertisement server or inserting advertisements into the user requested content. Office Action at paragraph 9. Actually, Dames fails to disclose at least “an advertisement server that hosts advertisements in a text-based format”, “means for serving Web content in an audio format to a user client device via a telephone link with the user client device”,

“means for inserting the retrieved advertisement within the user requested Web content”, or
“means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.”

Dames fails to disclose the use of any form of advertisements, as conceded by the Office Action. Office Action at paragraph 9. Therefore, Dames cannot possibly be used to teach any of the foregoing limitations, all of which reference such advertisements. Dames discloses nothing more than a system for translating web content to audio content for delivery to clients using audio devices.

The present invention discloses:

“‘Voice portals’, which allow access to the Internet via telephone, are becoming increasingly popular. Utilizing speaker-independent speech recognition and text-to-speech technologies, voice portals can be accessed via wireless and wireline telephones and can allow users to ‘verbally’ surf the web and make transactions (e.g., purchase airline tickets). Voice Extensible Markup Language (VXML) allows a user to interact with the Internet through voice-recognition technology. Instead of a traditional browser that relies on a combination of HTML and keyboard and/or mouse, VXML relies on a voice browser and/or the telephone. Using VXML, a user interacts with a voice browser by listening to audio output that is either pre-recorded or computer-synthesized and then submitting audio input either by voice or by keypad.”

Specification at paragraph 0008. Therefore, the specification of the application acknowledges that such systems were well known at the time of filing. The claimed invention does not disclose a basic system for translating web content to audio content for delivery to clients using audio devices. Instead, the claimed invention requires a method of incorporating advertising into Web content requested by users.

Logan fails to teach at least a means for translating web content and advertisement to an audio format via a text-to-speech converter and subsequent delivery to a user client device via a telephone link. Rather, Logan teaches “conversion of text to speech is preferably performed at the client station by the player. In this way, text information alone may be rapidly downloaded from the server...since it requires much less data than equivalent compressed audio files...” Logan Col. 6 ll.

25 – 33. This method of transferring the processing of the text to the player at the client station as opposed to conversion of the text at the server is contrary to the claims of the present invention.

In addition, Logan also teaches that because announcements or “glue” segments are frequently repeated in different program segments, these segments are preferably retained in local storage by the player to avoid the need to be downloaded. . . . Announcement segments, however, are preferentially retained even though they have been played because of the higher probability they may again be included in upcoming session schedules.” Logan col. 15 ll. 10 - 20. This is in contrast to the independent claims of the present invention which recite a “means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.”

Although Funk teaches conversion of the text to speech occurring at the server, Funk col. 6 ll. 12 - 52, Funk is silent on whether the insertion of advertisements occurs before transcoding, Funk at Figure 1, Figure 2 “item 220”, Figure 7, col. 6 ll. 12 – 24 and ll. 43 – 52, as recited by Claim 1 of the present invention,

“means for inserting the retrieved advertisement within the user requested Web content; and

means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.”

The Office Action asserts that this is reasonably inferred from the disclosure, because Funk teaches that “if the service processing system 104 provides e-mail messages to a message delivery system 116, the service processing system 104 can first translate the e-mail messages into the appropriate voice-mail . . . format for delivery to the message delivery system 116. This translation is provided by text-to-voice processor 220 or facsimile processor 216, respectively. Alternatively, e-mail messages may be delivered to the message delivery system 116 as a conventional e-mail message, and the message delivery system 116 can translate the e-mail message into the appropriate voice-mail or facsimile message format.” Funk col. 6 ll. 13 - 24. However, Funk teaches multiple alternatives for translating the message for delivery to a voice-mail system, therefore the Applicants contend that the inference alluded to by the Office Action is improper.

For at least these reasons, Applicants respectfully submit that Claim 1 is allowable over the cited references. Claims 2 - 8 depend from independent Claim 1 and add further patentable features to the patentable features of independent Claim 1. Applicant respectfully submits that claims 1 - 8 are allowable.

Claims 9 - 19

With regards to Claim 9, the Office Action states that it substantially has the same limitations of Claim 1. Claim 9, however, differs primarily because it is directed towards interactive advertisements. See Office Action at paragraph 17. Applicants respectfully note that Claim 9 is substantially different from Claim 1. Further, Applicants reiterate each of their remarks referencing the Examiner's rejection of Claim 1 and submits that the cited portions of Logan are inapplicable to the unique combination of elements recited by Claim 9.

The Examiner asserts that Logan teaches interactive advertisements, and Logan discloses "means for notifying the advertisement server of user interaction with an advertisement." Logan Col. 28 ll. 6 - 65. However, as discussed above, Logan fails to teach an interactive advertisement, and Logan's tracking of advertisements only discloses whether or not an advertisement has been played, the start time, volume, and playing speed of an advertisement and not "an identification of the requesting client device, user, [and] time and date information... [.] [i]nformation associated with providing a user with additional information associated with an advertisement... [and] how many times a user listens to an advertisement." Specification at paragraphs 0012, 00124. Therefore, none of the aforementioned characteristics of Logan reflect any degree of user interaction with an advertisement.

In addition, Claim 9 recites "means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device." None of the cited references teaches such a limitation. In fact, Logan teaches translation of the content occurring at the client rather than at the server as claimed by the present invention. ..." Logan Col. 6 ll. 25 - 33 and col. 15 ll. 10 - 20. In addition, Funk fails to teach, disclose or suggest interactive advertisements.

As discussed above, Dames, fails to teach an advertising server, and although Funk teaches translation of the content occurring at the server, Funk fails to teach an advertising

server, rather Funk teaches an information source database as discussed above that is substantially different from the advertisement server claimed by the present invention. Further, Funk fails to teach, suggest or disclose a text-to-speech transcoder "configured to retrieve additional information associated with an advertisement in response to user interaction with the advertisement, and to deliver the additional information to the user client device ... in an audio format," Specification at Paragraph 0032, as claimed by the present invention. Therefore, none of the references anticipate at least the limitation of interactive advertisements as required by the claim.

For at least these reasons, independent Claim 9 is allowable over the cited prior art. Claims 10 through 19 depend from Claim 9 and add further patentable features to the patentable features of independent Claim 9. Applicant respectfully submits that claims 9 - 19 claims are allowable.

Claims 20 - 56

With regards to independent Claims 20, 27, 39, and 46, the Office Action does not provide any specific rejection of each independent claim. Rather the Office Action merely states that the independent claims are similarly rejected for at least the same reasons set forth for claims 1 and 9. Applicants reiterate each of the arguments set forth above for claim 1 and 9 above. Applicants further respectfully submit that Claims 20, 27, 39, and 46 are not identical to Claims 1 and 9, and therefore a prima facie case of obviousness has not been made with respect to any such claims. Based on these reasons, the Applicants respectfully submit that Claims 20, 27, 39, and 46 are allowable over recited prior art. As Claims 21 - 26, 28 - 38, 40 - 45, and 47 - 56 depend from independent Claims 20, 27, 39, and 46, respectively. Applicants respectfully submit that claims 20 - 56 are allowable.

Claims 57 - 62 are rejected under 35 USC §103(a) as being unpatentable over Wu, U.S. Patent Publication No. 2003/0212759 (hereinafter "Wu"), in view of Logan, U.S. Patent No. 6,199,076.

Claims 57 - 62 are patentable under 35 U.S.C. 103(a) over Wu in view of Logan.
Reconsideration and allowance are requested.

Wu discloses,

"[a] method ... for providing advertising to a handheld computer operable to connect to a network. The handheld computer includes a

screen for displaying visual content received from the network and is configured for playing an audio message associated with the visual content. The method generally comprises receiving a request for content from the handheld computer and associating an advertisement with the request for content. The requested content is sent to the handheld computer for display on the screen of the computer. The associated advertisement is also sent to the handheld computer for playing over an audio output device of the handheld computer.”

Wu col. 2 ll. 19 – 31. In contrast, claim 57 requires a “means for forwarding the user requested Web content and advertisement to the text-to-speech transcoder for conversion to an audio format and subsequent delivery to the user client device.” Therefore Applicants’ invention is distinguishable from the Wu invention because both the content and the advertisement are converted to an audio format for delivery to the user client device, where as in the Wu invention, only the advertisement gets converted into audio format for delivery to the handheld device.

Moreover, Applicants agree that Wu is silent on means for storing information associated with the delivery of the advertisement to the user client device and on selecting advertisements based on subject matter of the web content as recited by independent claim 57 of the present invention. Further, Applicants reiterate remarks made above regarding independent claim 9 pointing out that Logan does not disclose interactive advertisements as claimed.

In addition, the Applicants’ reiterate remarks from a previous response:

Even if desirability were enough when the case law clearly indicates it is not, the Examiner is actually suggesting that one of ordinary skill in the art would somehow be suggested to implement the system COUNTER to the client-side processing of Logan. **The Penultimate Teaching Of Logan Is The Use Of The Client To Perform Functions Previously Performed By A Server Prior To Communication To The Client.** In fact, Claim 57 expressly recites that “the selected advertisement has been delivered to the user client device **in an audio format.**” Logan teaches **away** from such a system and expressly states the disadvantages of such a system. Yet, the Examiner maintains that one of ordinary skill in the art should somehow proceed in an entirely opposite direction from Logan in picking and choosing certain disclosures of Logan and combining them to come up with a system Logan teaches against. Logan expressly states that any speech conversion be performed at the client because text uses less bandwidth. See Column 6, lines 22 through 37.

October 30, 2007 Response at page 16.

For at least these reasons, Applicants respectfully submit that independent Claim 57 is allowable over the cited references. Claims 58 – 62 depend from Claim 57 and add further patentable features to the patentable features of independent claim 57. Applicants respectfully submit that claims 57 - 62 are allowable.

CONCLUSION

Applicants submit concurrently a request for a three-month extension of time under 37 C.F.R. § 1.136 and the accompanying fee. Applicants also submit concurrently a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. Please charge our Credit Card in the amount of \$1,860.00 covering the fees set forth in 37 C.F.R. § 1.17(e) and 1.17(a)(3).

In the event that any additional extensions of time are necessary to prevent the abandonment of this patent application, then such extensions of time are petitioned. The U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission to Deposit Account Number 50-2228, under Order No. 026624.0224PTUS from which the undersigned is authorized to draw.

Dated: July 29, 2008

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